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Attorneys for Defendant  
Clark & Sullivan Constructors, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

EDWARD E. SEELY,

Case No. 3:08-cv-00125-BES-RAM

Plaintiff,

vs.

JIM GIBBONS, CATHERINE  
CORTEZ MASTO, ROSS MILLER,  
JACKIE CRAWFORD, TONY  
CORDA, GLENN WHORTON,  
HOWARD SKOLNIK, TED D'AMICO,  
JIM BENEDETTI, ROBERT  
BANNISTER, DON HELLINGS,  
JOHN PEERY, NEVADA STATE  
PUBLIC WORKS MEMBERS, JANE  
AND JOHN DOES, SCOTT YOUNGS,  
CLARK AND SULLIVAN  
CONSTRUCTORS, INC., JANE AND  
JOHN DOES, et. al.,

**DEFENDANT CLARK & SULLIVAN'S  
EX PARTE REQUEST FOR  
EXTENSION OF TIME  
(First Request)**

Defendants.

Defendant CLARK & SULLIVAN CONSTRUCTORS, INC. ("CLARK & SULLIVAN"), through counsel of record McDonald Carano Wilson LLP, requests an extension of time in which to file its Reply in support of its Motion to Dismiss or, in the alternative, Motion for Summary Judgment on Plaintiff EDWARD E. SEELY's ("SEELY") Complaint. CLARK & SULLIVAN's Motion was filed on January 5, 2009 as Dkt. #86 and SEELY's Opposition was filed on May 4, 2009 as Dkt. #115. CLARK &

SULLIVAN likewise seeks an extension of time to file its Opposition to SEELY's Motion to Strike which was filed on May 4, 2009 as Dkt. #114. This request is made pursuant to Fed. R. Civ. P. 6(b) and LR 6-1, 6-2, and 7-5.

On May 4, 2009, after several lengthy extensions of time, SEELY filed his Opposition (Dkt. #115) to CLARK & SULLIVAN's Motion to Dismiss or, in the alternative, Motion for Summary Judgment. Given the length of SEELY's Opposition (which is forty pages excluding exhibits), the fact that the Opposition and Motion to Strike are handwritten and difficult to decipher, as well as the fact that counsel for CLARK & SULLIVAN is faced with multiple impending deadlines in other matters, CLARK & SULLIVAN hereby requests an extension of time within which to file and serve its (1) Reply in support of its Motion to Dismiss or, in the alternative, Motion for Summary Judge and (2) Opposition to SEELY's Motion to Strike.

This is CLARK & SULLIVAN's first request and is not sought for the purposes of delay. CLARK & SULLIVAN has not sought a stipulation in this matter and files this Request for Extension of Time on an *ex parte* basis because the Plaintiff is unrepresented and currently a prisoner in Nevada State Prison. For all of the above reasons, CLARK & SULLIVAN respectfully asks the Court to grant this request and

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1 allow CLARK & SULLIVAN to file and serve its Reply in support of its Motion to  
2 Dismiss and its Opposition to SEELY's Motion to Strike no later than June 5, 2009.

3 Dated this 12th day of May, 2009.

4 McDONALD CARANO WILSON LLP

5  
6 By: /s/ Debbie Leonard

7 WILLIAM A.S. MAGRATH II

8 DEBBIE LEONARD

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10 P.O. Box 2670

11 Reno, NV 89505-2670

12 Attorneys for Defendant

13 Clark & Sullivan Constructors, Inc.

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16 IT IS SO ORDERED.

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19 UNITED STATES MAGISTRATE JUDGE

20 Dated: May 12, 2009

**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that pursuant to LR 5-3 I caused to be electronically filed **DEFENDANT CLARK & SULLIVAN'S EX PARTE REQUEST FOR EXTENSION OF TIME (First Request)** with the Clerk of the Court using the CM/ECF system, and I caused a copy of the same to be served by mail and/or electronic transmission, addressed to the individuals listed below at their last known addresses/email addresses as follows:

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/s/ Pamela Miller  
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